Objectives

- Describe ethical conduct
- Describe a resident's rights in the nursing home
- Give examples of abuse, neglect, and misappropriation of property
- Explain the role of the Health Care Personnel Registry
- Explain the role of the nurse aide in securing informed consent prior to providing care to the resident

Laws

Rules made by the government to help protect the public

- Person liable if laws are not obeyed and person may be fined or jailed
- Two types of laws – criminal and civil
Tort – a wrong committed against a person or property
• Unintentional – did not mean to cause harm
• Intentional – did mean to cause harm

Malpractice – giving care for which you are not allowed legally to do – example?

Negligence – actions or failure to act or give proper care, resulting in injury – example?

Battery – touching a person without consent – example?

Assault – act of threatening to touch, or attempting to touch a person, without proper consent – example?

Consent

The right to decide what will be done to the body and who can touch the body

• Written consent
• Verbal consent
• Implied consent

Which of the three can a nurse aide obtain?
* Invasion of privacy

Violation of right to control personal information or the right to be left alone

Examples?

Legal – Key Terms (2)

False imprisonment – unlawful restraining or restriction a person's movements

Defamation – false statements made to a third person that causes a person shame or ridicule or ruins a person’s reputation

Written is libel - Example?
Verbal is slander - Example?

Legal – Key Terms (3)

Diversion of drugs – unauthorized taking or use of any drug

Fraud – an intentional deception or misrepresentation resulting in some unauthorized benefit
Importance of Laws

- Lets people know what they can or cannot do
- Are written to protect the public from harm

Legal – Nurse Aide’s Role

- Understand range of function
- Keep skills and knowledge current
- Keep resident’s safety and well-being in mind
- Understand directions for use
- Follow facility’s policies and procedure
- Do no harm to resident or belongings
- Report questionable practices
- Know legal terms

Who are our Vulnerable Adults?
We Must Protect Our Vulnerable Adults

From...
- Neglect
- Misappropriation of Property
- Abuse
- Exploitation

Preventing Mistreatment of Vulnerable Adults

- Care of personal property
- Review key terms and understand what must be reported to nurse
- Recognize signs/symptoms of neglect, misappropriation of funds, abuse, and exploitation
- If nurse aide observes another health care provider abusing a resident, STOP THE ABUSE, and immediately report abuse to nurse
- Report questionable practices

Neglect

- Signs and symptoms
- Examples
Misappropriation of Property

• Signs and symptoms
• Examples

Physical Abuse

• Signs and symptoms
• Examples

Emotional or Psychological Abuse

• Signs and symptoms
• Examples
Exploitation

- Signs and symptoms
- Examples

Health Care Personnel Registry (HCPR)

Mistreatment of the Vulnerable Adult

Points to remember:
- Abuse is cause for immediate dismissal and posted on Nurse Aide I Registry if substantiated
- Not reporting abuse is aiding and abetting
Ethics and Code of Ethics

Key Terms

Basic Human Rights

- Are protected by the Constitution of the United States
- Right to be treated with respect, live in dignity, pursue a meaningful life and be free of fear
- Examples of infringement of these rights?

Resident’s Rights

- Residents have legally protected Resident’s Rights
- OBRA identifies how a resident must be treated
- Provides a code of ethics
- Posted and provided in long-term care facilities
Ethics (1)
Importance of Ethics
• Knowledge of right and wrong guides sense of duty and conduct
• Guides provision of quality care
• Governs actions of health care providers
• Vital to safety and well-being of residents

Ethics (2)
Nurse Aide’s Role
• Use good judgment
• Keep information confidential
• Document accurately
• Follow plan of care
• Be honest and trustworthy
• Report abuse or suspected abuse
• Understand and respect Resident’s Rights

Ethics (3)
Nurse Aide’s Role
• Report observations and incidents
• Show empathy
• Respect residents equally
• Provide quality resident care
• Protect privacy
• Treat all professionally
• Avoid stereotyping
• Safeguard property
• Respect values and beliefs
Points to remember

- What is ethical behavior?
- When do nurse aides use ethical behavior?
- Ethical behavior can vary
- We are all individuals who think differently

End of life decision making usually follows resident's individual ethical principles

- Nurse aides must respect fact that resident has the right to make own end of life decisions which may differ from the ethics of a nurse aide
- Resident has...
  - Right to refuse treatment
  - Right to request everything possible